

16-105

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

In re: TC HEARTLAND LLC,
Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the District of Delaware in No. 1:14-cv-00028-LPS, Chief Judge Leonard P. Stark.

UNOPPOSED MOTION OF AMICI CURIAE ACUSHNET COMPANY, ADOBE SYSTEMS INC., ASUS COMPUTER INT'L, DEMANDWARE, INC., DROPBOX, INC., EBAY, INC., GOOGLE INC., HP INC., HTC AMERICA, INC., INTERACTIVECORP, INTUIT INC., L BRANDS, INC., LECORPIO LLC, LINKEDIN CORP., MACY'S, INC., NEWEGG INC., NORTH CAROLINA CHAMBER, NORTH CAROLINA TECHNOLOGY ASS'N, QVC, INC., SAP AMERICA, INC., SAS INSTITUTE INC., SYMMETRY LLC, VIZIO, INC. AND XILINX, INC. FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF PETITIONER

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NOVEMBER 6, 2015

Each party has consented to *amici* filing today their Amici Brief in support of Petitioner, and this motion. Selected *amici* filed a motion (Dkt. No. 11) for a one-week extension of time on behalf of themselves and others expected to join, explaining the reasons for the needed extension. Given the importance of this issue to the patent system as a whole, and *amici*'s interests and perspective, *amici* respectfully request leave to file their accompanying brief.

Respectfully submitted.

/s/John D. Vandenberg

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November 6, 2015

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CERTIFICATE OF INTEREST

Counsel for *Amici Curiae* certifies the following:

- 1. The full name of every party or amicus represented by me is:**

Acushnet Company, Adobe Systems Inc., ASUS Computer International, Demandware, Inc., Dropbox, Inc., eBay, Inc., Google Inc., HP Inc., HTC America, Inc., InterActiveCorp, Intuit, Inc., L Brands, Inc., Lecorpio LLC, LinkedIn Corp., Macy's, Inc., Newegg Inc., North Carolina Chamber, North Carolina Technology Association, QVC, Inc., SAP America, Inc., SAS Institute Inc., Symmetry LLC, VIZIO, Inc. and Xilinx, Inc.

- 2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:**

N/A

- 3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus represented by me are:**

Adobe Systems Inc., Demandware, Inc., Dropbox, Inc., eBay, Inc., HP Inc., InterActiveCorp, Intuit, Inc., L Brands, Inc., LinkedIn Corp., Macy's, Inc., Newegg Inc., North Carolina Chamber, North Carolina Technology Association, SAS Institute Inc., Symmetry LLC and Xilinx, Inc. have no parent corporations and no publicly held company owns 10% or more of their stock.

Fila Korea Ltd. is traded on the South Korean Stock Exchange and, through a holding company structure, owns more than 10% of the stock of Acushnet Company.

ASUS Computer International is a wholly owned subsidiary of ASUSTeK Computer Inc.

Google Inc. is a wholly owned subsidiary of Alphabet Inc., a publicly traded company (NASDAQ: GOOG, GOOGL). No publicly held company owns 10% or more of Alphabet Inc.'s stock.

HTC America, Inc. is a wholly owned indirect subsidiary of HTC Corporation, which is a publicly traded company.

Lecorpio LLC is a privately held corporation and is a wholly owned subsidiary of Accretia Capital.

QVC, Inc. is a wholly owned subsidiary of Liberty Interactive Corporation.

SAP America, Inc. is a privately held corporation and is a wholly owned subsidiary of SAP SE.

VIZIO, Inc. has no parent corporation. AmTRAN Technology Co., Ltd., a publicly traded Taiwanese company, owns 10 percent or more of VIZIO, Inc.'s stock.

4. **The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:**

None appeared in the lower tribunal. John D. Vandenberg, Robert T. Cruzen, and Klaus H. Hamm of Klarquist Sparkman, LLP appear in this court for *amici*.

NOVEMBER 6, 2015

/s/John D. Vandenberg

Signature of counsel

John D. Vandenberg

Printed name of counsel

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CERTIFICATE OF SERVICE

I, Robyn Cocho, being duly sworn according to the law and being over the age of 18, upon my oath depose and say:

Counsel Press was retained by KLARQUIST SPARKMAN, LLP Attorneys for Amici Curiae to print this document. I am an employee of Counsel Press.

On November 6, 2015, counsel authorized me to electronically file the foregoing **Motion of Amici Curiae Acushnet Company, Adobe Systems Inc., Asus Computer Int'l, Demandware, Inc., Dropbox, Inc., eBay, Inc., Google Inc., HP Inc., HTC America, Inc., InterActiveCorp, Intuit Inc., L Brands, Inc., Lecorpio LLC, LinkedIn Corp., Macy's, Inc., Newegg Inc., North Carolina Chamber, North Carolina Technology Ass'n, QVC, Inc., SAP America, Inc., SAS Institute Inc., Symmetry LLC, VIZIO, Inc. and Xilinx, Inc. for Leave to File Amicus Brief in Support of Petitioner** with the Clerk of Court using the CM/ECF System, which will serve via e-mail notice of such filing to any of the following counsel registered as CM/ECF users:

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Counsel for Respondent

NOVEMBER 6, 2015

/s/ Robyn Cocho

Robyn Cocho
Counsel Press